EXHIBIT B

Amar Ali - January 7, 2021

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3
                                                              1
1
                  UNITED STATES DISTRICT COURT
                                                                                              APPEARANCES
                                                                               FOR THE PLAINTIFF:
2
                   NORTHERN DISTRICT OF TEXAS
                                                                                     Mr. David L. Swanson
                         DALLAS DIVISION
                                                                                     Mr. Joseph Anthony Unis, Jr.
 4 HARRISON COMPANY LLC,
                                                                                     Ms. Anna K. Finger
                                   S
                                                                                     LOCKE LORD LLP
              Plaintiff,
                                   S
                                                                                     2200 Ross Avenue
                                                                                     Suite 2800
                                                                                     Dallas, Texas 75201
214.740.8000
                                                                      6
                                   § Civil Action No.
                                   § 3:19-CV-1057-B
                                                                      7
                                                                                     dswanson@lockelord.com
7 A-Z WHOLESALERS INC. and
                                                                                     junis@lockelord.com
  BARKAT G. ALI,
                                                                                     anna.k.finger@lockelord.com
                                                                               FOR DEFENDANTS:
              Defendants.
                                   S
                                                                     10
                                                                     11
                                                                                     Mr. Guy Harvey Holman
                                                                                     JOYCE W. LINDAUER ATTORNEY, PLLC
10
                                                                     12
                                                                                     1412 Main Street
11
                                                                                     Suite 500
12
                                                                     13
                                                                                     Dallas, Texas 75202
13
                                                                                     972.503.4033
                                                                     14
                                                                                     guy@joycelindauer.com
14
15
                                                                                ALSO PRESENT:
16
                                                                     16
                ORAL AND VIDEOTAPED DEPOSITION OF
17
                                                                                     Mr. Wayne Rennke, Videographer
18
                             AMAR ALI,
                                                                     17
       INDIVIDUALLY AND AS CORPORATE REPRESENTATIVE OF
19
                                                                     18
20
                                                                     19
                       A-Z WHOLESALERS, INC.
                                                                     20
21
                          JANUARY 7, 2021
                                                                     21
22
                         (REPORTED REMOTELY)
                                                                     22
23
                                                                     23
                                                                     24
25
                                                                                                                                   4
             ORAL AND VIDEOTAPED DEPOSITION of AMAR ALI,
                                                                                   INDEX
                                                                      2 WITNESS
                                                                                                     PAGE
2 produced as a witness at the instance of the
                                                                      3 AMAR ALI
                                                                      4 EXAMINATION BY MS. FINGER
3 Plaintiff, and duly sworn, was taken in the
                                                                        EXAMINATION BY MR. HOLMAN
                                                                                                                 284
4 above-styled and numbered cause on the 7th day of
                                                                      5 EXAMINATION BY MS FINGER
                                                                                                                291
                                                                      6 CORRECTIONS MADE BY WITNESS
5 January, 2021, from 10:14 a.m. to 7:03 p.m., before
                                                                        SIGNATURE OF WITNESS
                                                                                                             300
6 Kim M. Dickman, CSR in and for the State of Texas,
                                                                        REPORTER'S CERTIFICATION
                                                                                                 IDENTIFIED
7 reported by machine shorthand, at 616 Clariden Ranch
                                                                      9 Exhibit 1 - Notice of 30(b)(6) Deposition
 8 Road, in the City of Southlake, County of Tarrant,
                                                                               of A-Z Wholesalers Inc.
9 State of Texas, pursuant to the Federal Rules of Civil
                                                                        Exhibit 2 - Credit Application
10 Procedure, Notice, and the provisions stated on the
                                                                     11
                                                                        Exhibit 3 - Harrison Company, L.L.C., Terms
11 record.
                                                                     12
                                                                               or Conditions
                                                                     13 Exhibit 4 - Imperial Invoice to A-Z Wholesale
12
                                                                               Dallas
13
                                                                     14
                                                                        Exhibit 6 - Defendant A-Z Wholesalers, Inc.'s
14
                                                                     15
                                                                               Responses and Objections To
15
                                                                               Plaintiff's First Set of Discovery
                                                                               Requests
16
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17
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                                                                        of Discovery Requests 159
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A-Z Wholesalers, Inc., Barkat G.
                                                                     18
18
19
                                                                     19
                                                                               Ali, Amar B. Ali
20
                                                                        Exhibit 11 - E-mail string top e-mail being
21
                                                                               1-12-19 Amar Ali e-mail to Zazulak 175
22
                                                                     22 Exhibit 12 - Wayne Baquet text messages
23 Exhibit 13 - 4-10-14 Wayne Baquet e-mail to
23
                                                                               Wayne Baquet
24
                                                                        Exhibit 14 - Declaration of Amar B. Ali
25
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2 (Pages 5 to 8)

Amar Ali - January 7, 2021

Allar All - Ja	muary /, 2021
5	7
1 INDEX	1 All parties please state their agreement
2 Exhibit 18 - E-mail string top e-mail being	2 on the record at this time.
12-22-14 Barkat e-mail to Thomas, 3 Amar Ali 194	3 MS. FINGER: My name is Anna Finger, at
4 Exhibit 29 - 10-30-15 bradp e-mail to Amar Ali,	4 Locke Lord, and I represent the plaintiff, Harrison,
barkat1950 213	5 in this law in this deposition.
5 Errhibit 21 6 15 19 Immerial/Draw dangers a mail	_
Exhibit 31 - 6-15-18 Imperial/Prendergast e-mail 6 to A-Z Wholesalers, Inc. 228	initial and a second morning. They make the
7 Exhibit 32 - 5-31-18 A/R Aged Trial Balance by	7 Guy Holman with the law firm of Joyce Lindauer. I
Chain Number 227	8 represent the defendant and Amar Ali, in his
8 Exhibit 33 - 3-15-19 Zazulak e-mail to Amar Ali 231	9 individual capacity and corporate capacity.
9	MR. UNIS: Joe Unis is also on the line
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0 Exhibit 28 Defendante' First Amended Answer	12 THE REPORTER: I think we lost the
Exhibit 38 - Defendants' First Amended Answer To Plaintiff's Original Complaint 266	13 witness.
2 Exhibit 39 - Subpoena to Testify at a Deposition	14 Can you hear me, Mr. Ali?
in a Civil Action To: Amar Ali 65	15 THE WITNESS: Yes, ma'am.
3 Evhibit 10 - Plaintiff's First Set of Discovery	16 AMAR ALI,
Exhibit 40 - Plaintiff's First Set of Discovery Requests to Defendant A-Z 142	· · · · · · · · · · · · · · · · · · ·
Wholesalers, Inc.	, , , , , , , , , , , , , , , , , , , ,
5	
6 7	19 BY MS. FINGER:
8	Q. Mr. Ali, can you please state your full name
	21 for the record?
0 1	22 A. My name is Amar Barkat Ali.
2	23 Q. Mr. Ali, my name is Anna Finger and I
3	24 represent Harrison in this lawsuit and in this
4 5	25 deposition today, and moving forward, if I refer to
6	8
1 PROCEEDINGS	1 Harrison, will you understand that I'm referring to
THE VIDEOGRAPHER: Going on the record;	2 the plaintiff in this case, Harrison Company, LLC?
3 the time is 10:14 a.m. Today is Thursday, January	3 A. Yes.
4 7th, 2021. This is the beginning of the	4 Q. You are here to testify today on behalf of
5 videoconference deposition of Amar Ali, individually	5 yourself individually as well as the defendant in this
6 and as corporate rep of A-Z Wholesalers, Incorporated	6 case, A-Z Wholesalers, Incorporated; is that right?
7 in the case styled Harrison Company, LLC versus A-Z	7 A. Yes.
8 Wholesalers, Incorporated, et al.	8 Q. So moving forward, if I say A-Z in my
9 This deposition is taking place at 616	9 questions, will you understand that I'm referring to
O Clariden Ranch Road, Southlake, Texas, 76092.	10 the defendant A-Z Wholesalers, Incorporated?
1 The court reporter is Kim Dickman. We're	11 A. Yes.
with Dickman Davenport, 4228 North Central Expressway,	12 Q. Your lawyer is here, Mr. Ali; is that right?
3 Suite 101, in Dallas, Texas.	20 1 0 m 10 m 10 10 10 10 1 1 1 1 1 1 1 1
	127 0011000
4 The reporter will now make a brief	Q. III. (c.) ou c'el seen deposéd seletet
5 statement for the record and ask that all parties make	15 A. Yes, I have.
6 their appearances with their agreements, after which	Q. How many times?
7 she may swear in the witness.	17 A. It's hard to remember if I was being deposed
THE REPORTER: My name is Kim Dickman,	18 or if I attended a deposition, but probably a couple
9 Texas Certified Shorthand Reporter Number 2181. This	19 of times as a person being deposed.
0 deposition is being held via videoconferencing	Q. And in those depositions that you were being
equipment. The witness and the reporter are not in	21 deposed, were you a fact witness or a party to those
the same room. The witness has been sworn in remotely	22 lawsuits?
3 pursuant to agreement of all parties.	23 A. I believe I was in one of them a corporate
The parties stipulate that the testimony	24 representative for a party in the lawsuit and in the
25 is being given as if the witness was sworn in person	25 other I was a fact witness as an atterney for one of

25 other I was a fact witness as an attorney for one of

25 is being given as if the witness was sworn in person.

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- Q. Do you know the address?
- 2 A. I don't have the address memorized, but I
- 3 have -- I have seen the facility. I've been there.
- 4 Q. When did you go there?

1

- 5 A. Oh, boy. I probably went there in 2011,
- 6 probably in 2012, maybe again in '13.
- 7 Q. Why did you go there in 2011?
- 8 A. I believe that I -- I was invited to tour the
- 9 facility and the warehouse to kind of see what goes on
- 10 behind the curtain as they were pulling one of our
- 11 orders and watch that process a little bit. Also I
- 12 believe it was another sort of endeavor to continue to
- 13 court A-Z Wholesale to remain a loyal customer of
- 14 Harrison to see if there was ways that we could
- 15 purchase more product from Harrison because their
- 16 experience with us had been fairly good, our
- 17 experience with them was fairly good, and so in any
- 18 business relationship you're always trying to figure
- 19 out a way where you can do a little more together,
- 20 right, deep in the partnership, deep in the
- 21 relationship.
- Q. You didn't receive a tutorial on Harrison's
- 23 accounting system when you visited the warehouse in
- 24 2011, did you?
- A. Did I receive a tutor -- define what you mean

- 1 way, that was Barkat.
 - MR. BARKAT ALI: How are you?
 - A. And so let's say, for example, the driver
- 4 made a delivery of 7,000 cartons, for example. We
- 5 counted 7,000, it says 7,000 on the invoice, we signed
- 6 off on it, no damage, no nothing, driver's off. Then
- 7 we go through each invoice line by line, SKU by SKU to
- 8 make sure that if we ordered 600 Marlboro Light
- 9 cartons, box, that we got 600 cartons of those, right.
- Q. (By Ms. Finger) Let me clarify, Mr. Ali.
- 11 I -- I don't mean to cut you off, but I believe you --
- 12 you told us a little bit about how thoroughly you
- 13 check the invoice when you receive it.
- 14 What I meant by my question this time
- 15 more specifically was, once you've done all that and
- 16 you yourself have reviewed the invoice, where do you
- 17 take it from there?
- 18 A. Where do I take what from there?
 - Q. The invoice.
- 20 A. Like physically where does it go?
- 21 Q. Yes. Do you give to it A-Z's accounting
- 22 department or what happens next?
- 23 A. So once the product is received, right, which
- 24 is the process we went through line by line, SKU by
- 25 SKU, all that sort of stuff, and the product is

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- 1 by tutorial.
- Q. Did anyone in Harrison's accounting
- 3 department give you a walk-through of how Harrison's
- 4 internal accounting system works while you were there
- 5 in 2011?
- 6 A. Not -- no, not to that extent.
- 7 O. What about in 2012?
- 8 A. Nothing like that to that extent.
- 9 Q. What about in 2013?
- 10 A. No, no one -- no one gave me an accounting
- 11 tutorial on what -- how they handle their accounting.
- 12 Q. They've never done that, right?
- 13 A. Harrison has never given me a tutorial on
- 14 their accounting system.
- 15 Q. What would you do with the invoice after you
- 16 received it upon delivery?
- 17 A. We check each item line by line, SKU by SKU,
- 18 make sure that the quantity matches up with what was
- 19 delivered because the pricing for each SKU can vary,
- 20 right, so we want to make sure because, let's say, for
- 21 example, we counted 7,000 cartons, right?
- THE WITNESS: You're allowed to be here.
- 23 You can sit down if you want.
- 24 MR. BARKAT ALI: Oh, yeah.
- 25 THE WITNESS: That was my dad, by the

- 1 received into our system, right, so we -- it goes into
- 2 our system, our inventory goes up by 7,000 SKUs, at
- 3 that point, that invoice makes its way to accounts
- 4 payable.
- 5 Q. Who is responsible for importing the
- 6 information from the invoice into A-Z's system?
 - A. Various staff members.
- 8 Q. Can you tell me any of their names from March
- 9 2011 to March 2015?
- 10 A. No. It's whoever was available that could
- 11 just scan the stuff, it goes right into our system, we
- 12 hit received, boom, done.
- 13 Q. Do you remember the names of who was in
- 14 accounting at A-Z from March 2011 to March 2015?
- 15 A. No, not exactly. I mean, over the years
- we've had a lot of turnover in employees and stuff.Q. From March 2012 to March 2015, who was
- 18 responsible for maintaining the books and records at
- 19 A-Z?
- 20 A. When you say books and records, can you be
- 21 more specific?
- Q. I mean the accounting books.
- 23 A. We have lots of sort of traunches for
- 24 accounting, so we have accounts receivable, we have
- 25 accounts payable, generally those two people are

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252

Amar Ali - January 7, 2021 249 1 A. Yep. 1 is the first page? 2 Q. Actually, we're going to skip ahead to --A. I am there. A. We should talk about paragraph 6 because it's Q. Have you reviewed this document before? 4 inaccurate, but --A. The only time I've looked at this document 5 Q. How so? 5 from what I recall was just a few days ago or a couple 6 days ago when my father was being deposed. 6 A. Product Harrison sold and delivered to A-Z 7 Wholesalers, Inc. are identified by customer number Q. Okay. You'll see at the top --8 95750, and for those sold and delivered to Waco --8 A. Stop. You can ask me questions about this 9 its -- its Waco warehouse by customer number 95751, all day long. This is an in-house made spreadsheet. 10 those are not the customer numbers from Harrison. 10 It's not a report, and so when it says warehouse, they 11 Q. That's because you believe those are the 11 could write Bossier City, they could write Imperial 12 customer numbers for Imperial; is that right? 12 Bossier City, they could write Harrison. I mean, this A. It's not that I believe. Facts are a 13 is just --14 14 stubborn thing and the invoices are the best evidence. MS. FINGER: Mr. Ali, I have not asked a 15 Pull up a Harrison invoice, pull up an Imperial 15 question. Objection, nonresponsive. There is no 16 invoice, and you will see that there are two separate 16 question pending. customer numbers for each respective warehouse; 17 A. I understand that -- I understand that 18 further, the reason why I agree -- disagree is because 18 you're, but --19 19 it says that product -- for products that were sold Q. (By Ms. Finger) Answer according to my 20 and delivered to its Waco warehouse. Well, neither 20 questions, Mr. Ali. THE REPORTER: Wait, wait, wait. We've 21 Harrison nor Imperial actually ever delivered anything 21 to the Waco warehouse, so that is also inaccurate. It 22 got to go one at a time. We've got to go one at a was all delivered to Dallas. 23 time. 24 24 The Harrison customer number that Dallas A. No, I -- I get it. I get it, but it's 25 had is 17501. The Harrison customer number that A-Z 25 getting late in the day and this is --250 1 Waco had was 17502. The customer number that A-Z had Q. (By Ms. Finger) I understand. If you want 1 2 to wrap this up quickly, Mr. Ali, if you want to wrap

2 with Imperial was 95750 and the Waco warehouse with

3 Imperial at 95751. So when Mister -- or when Sandy

4 testifies in an affidavit that Harrison sold this

product and delivered it by customer number 95750.

6 that should say product sold by Imperial, not by

7 Harrison.

Q. And your statement just now is based on the 8

9 invoices you received, correct?

A. Oh, it's based on more than just invoices,

11 but the invoices are just the best evidence. You

12 could throw those up and anybody can see that that's

13 completely false, that would just stop it.

14 Q. Mr. Ali, you never worked for Harrison, did

15 you?

16 A. No.

17 Q. How long did you work for Harrison's

18 accounting department?

19 A. I never worked for Harrison's accounting

20 department.

21 Q. If you can turn to Exhibit D of this

22 exhibit -- of this exhibit, please, yeah. So Exhibit

23 D of Sandy's declaration which is on page --

24 A. D, I'm there.

25 Q. The label page is on 11 and then Exhibit 12

3 this up quickly, I need you to answer my questions and

4 not testify as to a monologue that is nonresponsive to

any question that I have pending. Can we do that?

A. Yes, absolutely.

7 Q. At trial, your lawyer can ask you whatever

questions he wants so that you can give whatever

testimony you want, but right now it's my turn to ask

10 the questions that I need answers to, okay?

11 A. No, I -- I get it and I'm sure you have lots

12 of questions about this document because it's very

13 unusual.

14 Q. As you stated, this is an internal document

15 produced by Harrison or Imperial; is that correct?

16 A. Yeah, this is -- this is -- I wouldn't

17 even -- I wouldn't even classify it as an internal

document. I would classify this as a document 18

prepared to fit the conclusion that they're looking 19

20 for in this case. I didn't --

21 Q. Is it your allegation that this document is

22 fabricated, Mr. Ali?

A. I -- I -- I would -- I would probably argue 23

24 it is because I guarantee you the other thousands of

25 customers that they have, they don't have Warehouse

Amar Ali - January 7, 2021

	297		299
1	Mr. Holman, are we good to go off the	1	CHANGES AND SIGNATURE.
2	record?	2	WITNESS NAME: AMAR ALI JANUARY 7, 2021
3	MR. HOLMAN: We're good to go.	3	PAGE LINE CHANGE REASON
4	THE VIDEOGRAPHER: All Right. Counsel,	4	
5	pursuant to the Federal Rules, are there any other	5	
6	agreements or stipulations pertaining to the	6	
7	transcript, exhibits, or other pertinent matters?	7	
8	MS. FINGER: Actually, while we're still	8	
9	on the record, I would like to request that any notes	9	
10	Mr. Ali has taken during this deposition be produced	10	
	in this litigation.		
12	MR. HOLMAN: We would object.		
13	MS. FINGER: On what grounds?		
14	MR. HOLMAN: They're his private notes.		
15	the material made a chance to retire the restauring		
16	there might be some privileged note taking. It's his personal recollection his personal notes. It might		
17	be privileged.		
19	MS. FINGER: Were any of the notes		
20	derived from communications with his attorney?		
21	MR. HOLMAN: May be. We I don't know.		
	I haven't been able to review his notes.		
23	MS. FINGER: Let me clarify that we are		
24	•		
25	during his deposition which he just mentioned in		
	298		300
1	response to his last question that relate to the	1	I, AMAR ALI, have read the foregoing
	succinct answers he will be able to provide in the	2	deposition and hereby affix my signature that same is
3	response to the questions that I asked today that he	3	true and correct, except as noted above.
4	could not answer.	4 5	
5	MR. HOLMAN: We'll take that under	3	AMAR ALI
6	advisement.	6	A HAN AREA
7	THE VIDEOGRAPHER: This marks the	7	
8	conclusion of the videoconference deposition. We're	8	
9 10	going off the record at 7:02 p.m. (Deposition concluded at 7:02 p.m.)	9	
11	(Deposition concluded at 7.02 p.m.)		THE STATE OF)
12		112	COUNTY OF, on this
13		13	day personally appeared AMAR ALI known to me (or
14		14	proved to me under oath or through)
15		15	(description of identity card or other document) to be
16			the person whose name is subscribed to the foregoing
17			instrument and acknowledged to me that they executed
18		18	the same for the purposes and consideration therein expressed.
19		20	-
20			day of, 2021.
21		22	·
22 23			NOTARY PUBLIC IN AND FOR
23 24		23	THE STATE OF
25		24 25	My commission expires:
		23	

Amar Ali - January 7, 2021

		301	
1	STATE OF TEXAS)		
	COUNTY OF DALLAS)		
3	I, Kim M. Dickman, Certified Shorthand		
	Reporter, in and for the State of Texas, certify that		
	the foregoing deposition of AMAR ALI was reported		
	stenographically by me at the time and place indicated, said witness having been placed under oath		
8	by me; that review was requested pursuant to Federal		
9	Rules of Civil Procedure 30(e)(1); and that the		
	deposition is a true record of the testimony given by		
11	the witness. I further certify that I am neither counsel		
	for nor related to any party in this cause and am not		
14	financially interested in its outcome.		
15	Given under my hand on this the 11th day of		
16 17	January, 2021. Kim M. Johnan		
18	Kim M. Dickman, Certified		
	Shorthand Reporter No. 2181		
19	in and for the State of Texas		
20	Dickman Davenport, Inc. Firm Certification No. 312		
20	4228 North Central Expressway		
21	Suite 101, Dallas, Texas 75206		
	(214) 855-5100 (800) 445-9548		
22	www.dickmandavenport.com e-mail: kd@dickmandavenport.com		
23	My commission expires 4-30-21		
24	TIME USED BY THE PARTIES:		
	Ms. Anna K. Finger: 7 hours, 3 minutes		
25	Mr. Guy Harvey Holman: 9 minutes		